Case 5:07-cv-01679-JF Document 9 Filed 04/10/07 Page 1 of 3 **E-filed 4/10/07** 1 Dana N. Gwaltney (SBN 209530) dgwaltney@shb.com 2 Sara J. Romano (SBN 227467) sromano@shb.com 3 Mia Solvesson (SBN 246291) msolvesson@shb.com 4 SHOOK, HARDY & BACON L.L.P. 333 Bush Street, Suite 600 5 San Francisco, California 94104-2828 Telephone: 415.544.1900 6 Facsimile: 415.391.0281 7 Attorneys for Defendants GUIDANT CORPORATION, GUIDANT SALES CORPORATION, 8 CARDIAC PACEMAKERS, INC. and 9 **BOSTON SCIENTIFIC CORPORATION** 10 UNITED STATES DISTRICT COURT 11 NORTHERN DISTRICT OF CALIFORNIA 12 (SAN JOSE DIVISION) 13 KIMBERLY BRITTINGHAM, individually, Case No. C07 01679 JF 14 and as successor trustee of the Brittingham STIPULATION AND [PROPOSED] ORDER Trust (of Janet Brittingham Decedent) and 15 TO STAY PRETRIAL DEADLINES DANA BRITTINGHAM individually., 16 Plaintiffs, 17 VS. 18 GUIDANT CORPORATION, GUIDANT SALES CORPORATION, CARDIAC 19 PACEMAKERS, INC. AND BOSTON SCIENTIFIC CORPORATION., 20 Defendants. 21 22 23 IT IS HEREBY STIPULATED by and between the parties through their designated counsel 24 that all pretrial proceedings, including the June 27, 2007 case management conference, as well as 25 Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., and Boston Scientific Corporation's (collectively "Guidant") deadline to answer or otherwise respond to 26 27 Plaintiffs' complaint, be stayed. 28 This action is one of over 1,240 products liability actions against Guidant that have recently STIPULATION TO STAY PRETRIAL DEADLINES CASE NO: C07 01679 JF 121840V1

Case 5:07-cv-01679-JF Document 9 Filed 04/10/07 Page 2 of 3

	been brought in or removed to federal courts across the country. As a result of these numerous suits,			
l	on November 7, 2005, pursuant to 28 U.S.C. § 1407, the Judicial Panel on Multi-District Litigation			
	("JPML") entered a transfer order establishing an MDL entitled In re Guidant Corporation			
l	Implantable Defibrillators Products Liability Litigation, MDL-1708, and transferring and			
l	consolidating a number of cases to the United States District Court, District of Minnesota ("MDL			
ŀ	Court" or "MDL 1708"). Guidant intends to seek inclusion of the instant case within the MDL			
	proceeding. Once transferred, all pretrial issues will be governed by scheduling orders entered by			
	the Honorable Donovan W. Frank, who presides over MDL 1708.			
	The parties contend that a stay of pretrial deadlines is appropriate because this action will be			
	transferred to the District of Minnesota and consolidated with In Re Guidant Corp. Implantable			
	Defibrillators Products Liability Litigation, MDL-1708, for pretrial proceedings. Guidant will			
	include this case in its upcoming 62 nd Notice of Potential Tag-Alongs, which will be filed with the			
	JPML. Once the JPML is notified that this case is a tag-along action, it will issue a Conditional			
	Transfer Order transferring this case to the MDL. The parties agree that this case will not remain in			

IT IS SO STIPULATED that all pretrial deadlines are stayed.

this Court.

Respectfully submitted,

DATED: April 4, 2007

SHOOK, HARDY & BACON L.L.P.

DANA N. GWALTNEY

SARA J. ROMANO **MIA SOLVESSON**

Attorneys for Defendants GUIDANT CORPORATION, GUIDANT SALES

CORPORATION, CARDIAC PACEMAKERS, INC., and BOSTON SCIENTIFIC CORPORATION

	Case 5:07-cv-01679-JF Document 9 F	Filed 04/10/07 Page 3 of 3
1	1 DATED: April 3, 2007 Respec	tfully submitted,
2	2 BOUR	DETTE & PARTNERS
3	3	11. Do Patta
4	4 By:/	MIRIAM R. BOURDETTE
5	Attorno	eys for Plaintiffs
6	6 KIMBI success	ERLY BRITTINGHAM, individually and as sor Trustee of the Brittingham Trust (of Janet gham Decedent) and DANA BRITTINGHAM,
7	Brittingham Decedent) and DAÑA BRITTINGHAM individually.	
8	8	
9	15	סיים
10	ORDER Purquent to atimulation, IT IS SO OPPERED	
11	Pursuant to stipulation, IT IS SO ORDERED.	
12	2 Dated: 4/6 , 2007	m h
13	3 Dated	THE HONORABLE JEREMY FOGEL
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